**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.23890 of 2006

Dated: 22-11-2006

Between:

B. Vidyawathi Devi.

**..... PETITIONER**

AND

The Government of Andhra Pradesh,
rep. by its Principal Secretary, Hyderabad, and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE V.V.S. RAO**

WRIT PETITION No.23890 of 2006

ORDER:

The petitioner purchased plot No.50 admeasuring 600 sq. yards under a registered sale deed dated 31-05-1978 from M/s Three Murthy Weaker Sections Cooperative Housing Society Limited (hereafter called, the society). The land is comprised in survey No.74/12 situated at East Marredpaly in Secunderabad. She obtained building permission vide proceedings in CBR No.13(12) dated 21-12-2004 under Section 181(1) of the Cantonments Act, 1924, and commenced the construction. She alleges that respondent No.3, namely, the Mandal Revenue Officer(MRO), East Maredpally, started interfering with the construction activity on the ground of pendency of L.G.C.No.167 of 1997 filed by him before the Special Court constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 (hereafter called, the Special Court). Therefore, she filed the present writ petition alleging that she is not a land grabber, that the society sold the land which was purchased by it under registered document No.188/1978 and that she being not a party to L.G.C., interim orders passed by the Special Court are not binding on her.

At the stage of admission itself, the learned Assistant Government Pleader for Revenue (Assignment) opposed the writ petition. He produced a copy of L.G.C.No.167 of 1997 in support of the contention that the petitioner was arrayed as respondent No.628 and therefore, the order of injunction passed by the Special Court prohibiting any construction operates against her. This is disputed. The learned Government Pleader also produced a copy of the order in W.P.No.19568 of 2005 dated
06-09-2005 passed by this Court ordering *status quo* regarding the possession and the construction.

A mere look at the description of respondent No.628 in L.G.C.No.167 of 1997 would belie any contention that the petitioner is a party-respondent to L.G.C. Though the name of respondent No.628 therein is same, the said respondent is not the petitioner herein. Be that as it is, in a number of cases filed before this Court alleging interference by the revenue authorities in respect of the land comprised in survey No.74 (various sub-divisions), this Court passed the following order.

> Accordingly, the writ petition is disposed of in the following manner. The Mandal Revenue Officer, Marredpally shall file application before the Special Court for impleading the petitioners in L.G.C.No.167 of 1997 within a period of four weeks from the date of receipt of a copy of this order and obtain appropriate orders against the petitioners. Till then, the Mandal

Revenue Officer shall not in any manner disturb the possession of the petitioners. Further, in view of the orders of injunction granted by the Special Court on 08-12-1998, as referred to herein above, it would be appropriate to direct *status quo* as on today with regard to possession as well as construction by the petitioners.

The writ petition is, accordingly, disposed of. No costs.

The learned counsel for the petitioner has brought to the notice of this Court the order dated 01-11-2002 passed by this Court in W.P.No.21825 of 2002. By the said order, W.P.No.21825 of 2002 was disposed of observing that the revenue officials shall not interfere with the possession of the petitioner therein and that the person claiming ownership is bound by any decision of the Special Court in L.G.C. as the vendor society was a party in the said proceedings. In this case, the petitioner obtained sanction on 21-12-2004 and commenced construction recently. Though this Court is not inclined to pass any order regarding construction, following the order passed by this Court in W.P.No.21825 of 2002 dated 01-11-2002, this writ petition is also disposed of directing the respondents not to interfere with the possession of the petitioner. It shall, however, be open to MRO to implead the petitioner herein in the pending L.G.C. and seek appropriate orders from the special Court. No costs.

_____

(**V.V.S.RAO, J**)

22nd November, 2006

Note: Issue CC in one week.

B/o

ghn